

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT SAFFER,

Plaintiff,

-against-

CONVALT ENERGY, INC., et al.,

Defendants.

USDC SDNY
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DATE FILED: 10/15/2024

24-CV-01850 (LGS) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The parties have settled their claims and counterclaims, including claims brought under the Fair Labor Standards Act (FLSA); have moved for judicial approval of their settlement agreement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), (Dkt. 57); and have consented, pursuant to 28 U.S.C. § 636(c), to have Judge Moses determine their *Cheeks* motion and enter a final order thereon. (Dkt. 58.)

Judge Schofield ordered the parties to submit "supporting evidence addressing the findings this Court must make in order to approve the settlement as fair and reasonable." (Dkt. 55) (citing *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332, 335-6 (S.D.N.Y. 2012)). "In the Second Circuit, that entails submitting contemporaneous billing records documenting, for each attorney, the date, the hours expended, and the nature of the work done." *Wolinsky*, 900 F. Supp. 2d. at 336. Plaintiff's counsel's billing records are not included in the parties' *Cheeks* papers. Consequently, it is hereby **ORDERED** that plaintiff shall submit, no later than **October 21, 2024**, his counsel's contemporaneous time and expense records, properly authenticated, as well as his contingency fee agreement (if any) with counsel.

Dated: New York, New York
October 15, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge